

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

SHILLING, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

Case No. 2:25-cv-241

**DECLARATION OF EMILY
SHILLING IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I, Emily Shilling, declare as follows:

1. My name is Emily Shilling. I am a plaintiff in the above-captioned action. I have actual knowledge of the matters stated in this declaration.

2. I am a 42-year-old woman, and I live in Maryland with my partner and three children.

3. I am a Commander 05 officer in the U.S. Navy and am currently stationed at Patuxent River Naval Air Station.

4. I commissioned in the U.S. Navy in 2005. I have been serving for more than 19 years.

5. I grew up around aviation as my father served in the United States Navy for 23

1 years. After earning a degree in Aerospace Engineering from the University of Colorado I
 2 decided to join the Navy out of a deep love of country, drive to serve, sense of adventure, and a
 3 deep desire to push myself to the limit and become a test pilot.

4 6. I currently serve as an Aerospace Engineering Duty Officer (AEDO), charged
 5 with leading large Naval acquisition programs. My work directly impacts the future of naval
 6 aviation, ensuring that the fleet remains operationally effective, technologically advanced, and
 7 mission-ready.

8 7. Before my current role, I was a United States Navy Test Pilot, where I conducted
 9 high-risk flight tests to advance aviation technology and improve aircraft capabilities. Prior to
 10 that, I was a combat aviator who supported both Operation Iraqi Freedom and Operation New
 11 Dawn in Afghanistan, accumulating over 350 combat flight hours and executing 60 combat
 12 missions in high-threat environments. In recognition of this I was awarded three air medals.
 13 With over 19 years of service and over 1750 flight hours in high performance jet aircraft the US
 14 Navy has invested over \$20 million (Based on average flight hour cost of \$10-20k/hour plus Test
 15 Pilot School and aviation training leading to the earning of Naval Aviator Wings).

16 8. Although my core identity is that of a Naval Officer and Pilot, I am also
 17 transgender. I have known this for as long as I can remember but only found the words and the
 18 courage to accept it when I was 36 (in 2019).

19 9. I transitioned within the Navy in 2021, legally changing my name and updating
 20 my gender marker in all required federal and military systems. I hold an updated and valid
 21 passport, driver's license, Social Security card, Department of Defense Common Access Card
 22 (CAC), birth certificate, and court orders reflecting these changes.

23 10. In 2019, when I initially came out, transitioning in the military was not possible
 24 due to the Trump Administration's ban on open transgender service. I transitioned socially

1 outside of work, presenting and living as female while still adhering to uniform and grooming
 2 standards as male. When the Biden Administration lifted this ban in early 2021 the DoD
 3 provided clear guidance on legal, administrative, and medical transition procedures that would
 4 allow me to continue serving indefinitely. With this assurance, I finally felt confident that I could
 5 continue my career to at least 20 years, and beyond. This knowledge provided me the
 6 intellectual and emotion safety to continue focusing on my career without fear of reprisal, of
 7 losing my retirement, of losing the job that has supported my family for nearly two decades, or
 8 having to give up the career I have loved. Recent changes in the administrations policies have
 9 shattered this sense of safety.

10 11. I transitioned both socially and medically in the military with the support of my
 11 chain of command. During transition I followed the policies and guidance set forth by the US
 12 Navy and my command. I received a medical treatment plan through Navy Medical and obtained
 13 an approved gender transition plan from my Commanding Officer. After executing this
 14 faithfully, I was determined transition complete in the fall of 2021. At every step my command
 15 has been supportive, and helped me in planning my continued career in the military as an openly
 16 transgender woman.

17 12. My Defense Enrollment Eligibility Reporting System (DEERS) gender marker
 18 was updated in the fall of 2021, which is the primary way a service member's gender is
 19 recognized by the military. My medical transition began in the spring of 2021 with Hormone
 20 Replacement Therapy (HRT), followed by surgical interventions in late 2021 and early 2022
 21 through both civilian and military medical facilities. I use female pronouns and female facilities
 22 in the workplace without any incident or disruption to my duties or the duties of any other
 23 service member.

24 13. In spring 2023, I became the first transgender Naval Aviator to regain my flight

clearance to fly high-performance jets like the F/A-18 Super Hornet, with the Naval Aerospace Medical Institute determining there was no medical reason to keep me out of the cockpit. This clearance was granted after extensive physical and psychological evaluations conducted by multiple doctors and specialists. It set precedence for at least a dozen other aviators to remain in the cockpit and the fight during and post transition.

14. Being able to serve openly as a transgender individual has made me a stronger asset to the military. I am able to function as a productive, healthy member of my command, and my ability to lead with authenticity and integrity has only strengthened my relationships with fellow service members. I am trusted with high-level acquisition decisions that shape the future of Naval aviation, and I mentor junior officers and enlisted personnel, ensuring that the next generation of warfighters is ready to meet the challenges ahead. Members of my command, those I lead, and those I follow, have all reported sustained superior performance in my roles, capabilities, knowledge, and leadership.

15. Since the Executive Order banning my service was released, I have felt deeply unsettled, betrayed, and fearful for my future in the military. I have dedicated my entire adult life to the Navy and have served honorably for nearly two decades, yet my ability to continue serving is now in jeopardy—not because of my performance, qualifications, or dedication, but solely because of my identity as a transgender woman.

16. This uncertainty has impacted not only my career but my family. My partner and I have built our lives around military service, and we have three children who depend on my continued employment. If I am forcibly discharged, we will face immediate financial and personal instability, as well as the loss of essential benefits like healthcare, housing allowances, and retirement security.


17. The military is facing a recruitment and retention crisis, and I know that I—along

1 with thousands of other transgender service members—am a highly trained, mission-ready asset.
 2 Removing us weakens the force, damages morale, and undermines our military’s values of
 3 service, sacrifice, and honor.

4 18. I have engaged in speech and conduct disclosing my transgender status and
 5 expressing my gender identity in numerous ways. I came out to my chain of command and
 6 fellow service members, taking all necessary legal and administrative steps to transition within
 7 military regulations. I have lived openly as a woman in military life and have publicly advocated
 8 for transgender service members, including through my work as President of SPARTA, a non-
 9 profit supporting over 2,300 transgender troops across all branches of the military. I want to
 10 continue to engage in speech and conduct disclosing my transgender status and expressing my
 11 gender identity without fear of retaliation or discharge. I have worked too hard and sacrificed too
 12 much to be forced out of the Navy—not because I am unfit to serve, but because of a false
 13 narrative that disregards my skills, my record, and my service to this nation.

14
 15 I declare under the penalty of perjury that the foregoing is true and correct.

16
 17 DATED: February 12, 2025


 Emily Shilling (Feb 12, 2025 18:25 EST)